

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

In the Matter of	)	
Petition for Rulemaking of National Public	)	RM: 11579
Radio to Repeal Section 73.525 of the	)	
Commission's Rules	)	

To: The Commission

**REPLY COMMENTS OF VENTURE TECHNOLOGIES GROUP, LLC**

Venture Technologies Group, LLC (VTG) would like to take this opportunity to reply to certain comments filed by WBEZ Alliance Inc. (WBEZ) in this proceeding.

**1. Response to Comments by WBEZ**

VTG supports the Petition for Rulemaking filed by National Public Radio, Inc. ("NPR") to repeal Section 73.525 of the Commission's Rules. However, VTG takes issue with comments that WBEZ made in its December 2<sup>nd</sup> filing when it asserted that "LPTV stations have begun to invade FM radio, broadcasting audio signals that were licensed for TV broadcast as if they were commercial radio stations on 87.7 MHz."<sup>1</sup> WBEZ's attempt to characterize these LPTV stations as "invaders" of NCE spectrum is ridiculous. In fact, LPTV stations operating on Channel 6 are authorized, licensed users who are using commercial spectrum that happens to be well-received by both television and modern-day FM tuners.

WBEZ and other non-commercial radio stations are not being "invaded" by channel 6 LPTV stations, any more than WBEZ is being "invaded" by commercial FM radio stations

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<sup>1</sup> Statement of the WBEZ Alliance, Inc. In Support of Petition for Rulemaking of National Public Radio, Inc., WBEZ, December 2, 2009; Pg. 3

operating at 92.1 MHz. Historically, because of Channel 6's proximity to the non-commercial FM band (it is adjacent), its signal can also be heard on 87.7 FM which is not a non-commercial FM frequency. In the early years of US radio, car radios (the analog radios that found frequencies by turning the dial) began at 88.1 FM. Europe decided not to allocate its Channel 6 frequencies to television and rather allocated radio spectrum to 87.7 FM. As such, for the early days in European radio, the first position on the radio dial was 87.7 FM.

With the introduction of digital radios in the 1980s, radio manufacturers had the ability to produce radios that could be sold in worldwide markets – they didn't have to separately manufacture FM radios beginning at 88.1 for the US and 87.7 everywhere else. In the US, television stations operating on Channel 6 discovered that viewers could now simultaneously view their content on Channel 6 and listen to their station in audio on 87.7 FM. In effect, these broadcasters took an unused resource and greatly increased its value by providing services to new audiences, particularly minority and ethnic groups. This is particularly important in major markets where analog FM radio spectrum is insufficient to meet the demands of many interests. WBEZ's arguments ignore the history of audio reception from Channel 6 stations and the fact that current LPTV stations operating on Channel 6 are operating in full compliance with the FCC's rules and regulations.

Strangely, WBEZ also argues that the content on Channel 6 television stations is not appropriate for a station operating on a commercial band. WBEZ says, "[T]hey are also bleeding 24 hour dance music, with commercial advertising, over into the noncommercial stations that are on the lower NCE FM channels. Like squatters moving into recently-vacated homes, these LPTV stations are, in effect, intentionally broadcasting commercial radio which spills over onto the reserved portion of the FM band, trespassing on the limited territory of their noncommercial

neighbors.”<sup>2</sup> In Chicago where VTG has operated WLFM-LP on Channel 6 for the past year, there have been no complaints by WBEZ about WLFM-LP “bleeding” in. Thus, WBEZ appears to be arguing that non-commercial stations should have the right to approve the programming of their commercial neighbors merely because they are adjacent to each other and a listener may hear commercial matter while scrolling through the radio dial looking for a non-commercial station. This is an absurd argument! It is hard to believe any broadcaster would adopt a position so diametrically opposed to the First Amendment. The programming format and commercial content of a commercial broadcast station operating on commercial spectrum does not require the approval of its non-commercial neighbors. To take this idea to the ridiculous extreme, would WBEZ propose to grant commercial stations the authority to approve or reject its programming?

The channel 6 LPTV stations that WBEZ is complaining about broadcast an audio and a video signal. They are bona fide television stations that operate on spectrum that can be seen and heard on Channel 6 and heard on 87.7 MHz. For many Channel 6 LPTV broadcasters, this “benefit” inherent in the Channel 6 spectrum has allowed them to reach out to underserved audiences with targeted local programming. In fact, VTG’s Channel 6 station in Chicago, WLFM-LP, is now attracting a significant number of listeners (Arbitron reported in December 2009 that after only five months of broadcasting WLFM had over 550,000 listeners and a 1.2 share of the market). WLFM-LP is obviously meeting a need in the crowded Chicago market by providing programming that targets a diverse ethnic audience. WLFM –LP is investing in localism by finding innovative uses for existing services and spectrum, without causing interference to existing outlets. Moreover, WLFM-LP has invested in the local economy by hiring staff at a time when many media companies are laying off employees, capital markets are difficult to access, and radio programming is becoming increasingly homogenized.

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<sup>2</sup> Ibid.



Rather than celebrating the fact that a new media outlet took the risk of investing in terrestrial broadcasting at a time when many television and radio companies are filing for bankruptcy, WBEZ appears focused on silencing this new local voice. VTG finds the hostile tone of WBEZ's comments surprising given that it entered into discussions with VTG as recently as February 2009 about partnering with WLFM-LP to broadcast precisely the kind of 87.7 MHz audio service that it so vehemently objects to now.

In the end, regardless of WBEZ's reasons for filing these comments, the fact remains, Channel 6 LPTV stations provide a valuable service that serves the public interest. These stations are not "invading" or "trespassing on" non-commercial spectrum. They are validly operating on the spectrum authorized to them by the FCC in full accordance with the Commission's rules. VTG supports the Petition for Rulemaking filed by NPR, but objects to the comments of WBEZ.

Respectfully Submitted,

VENTURE TECHNOLOGIES GROUP, LLC

By:



Paul Koplin, Chief Executive Officer  
December 16, 2009